

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

WEST VIRGINIA HOSPITALITY AND  
TRAVEL ASSOCIATION, INC., a West  
Virginia Not-for-Profit  
corporation, on behalf of all of  
its adversely affected members,  
and as assignee of certain of  
its adversely affected members,

Plaintiff,

v.

Civil Action No. 2:16-cv-00184

AMERICAN WATER WORKS COMPANY,  
INC., a Delaware corporation;  
AMERICAN WATER WORKS SERVICE  
COMPANY, INC., a New Jersey  
corporation; WEST VIRGINIA-  
AMERICAN WATER COMPANY, a West  
Virginia corporation; EASTMAN  
CHEMICAL COMPANY, a Delaware  
corporation; GARY SOUTHERN, an  
individual; and DENNIS P.  
FARRELL, an individual,

Defendants.

ORDER

The court has reviewed the report of the planning meeting of the plaintiff and the defendant Gary Southern filed pursuant to Federal Rule of Civil Procedure 26(f), and the plaintiff's motion for entry of a scheduling order and for a status conference, filed December 19, 2017. The plaintiff's motion is hereby granted insofar as it requests entry of a scheduling order, and the request for a status conference is

denied as moot in light of the status conference held on January 4, 2018.

Pursuant to Rule 16(b) and Local Rule of Civil Procedure 16.1(e), it is accordingly ORDERED that this case shall proceed as follows:

Deadline	Date
Completion of Fact Sheets	04/27/2018
Motions under F.R. Civ. P. 12(b), together with supporting briefs, memoranda, affidavits, or other such matter in support thereof, or other responsive pleadings	05/11/2018
Response to motions under F.R. Civ. P. 12(b)	06/11/2018
Reply in support of motions under F.R. Civ. P. 12(b)	06/25/2018
Last date to serve discovery requests	10/25/2018
Expert disclosure deadline for Plaintiff - opening reports	07/16/2018
Expert disclosure deadline for Defendant - responsive reports and opening reports on affirmative defenses	09/14/2018
Expert disclosure deadline for Plaintiff's rebuttal experts - rebuttal reports and responsive reports on affirmative defenses	10/05/2018
Expert disclosure deadline for Defendant - rebuttal reports on affirmative defenses	10/19/2018
Discovery to close	12/10/2018
Dispositive motions deadline	01/21/2019
Response to dispositive motion	02/21/2019
Reply to response to dispositive motion	03/07/2019
Settlement meeting	03/14/2019
Motion in limine deadline	01/21/2019
Responses for motions in limine	02/21/2019
Replies in support of motions in limine	03/07/2019
Proposed pretrial order to defendant	05/06/2019
Integrated pretrial order	05/20/2019

Pretrial conference	06/07/2019 10:30 AM
Proposed jury charge	06/14/2019
Final settlement conference	07/08/2019 10:30 AM
Trial	07/09/2019 9:30 AM

The amendment of any pleading and the joinder of any party is subject to Rules 15 and 16, and the accompanying rules governing the joinder of parties.

The last date to complete depositions shall be the "discovery to close" date by which all discovery shall be completed. Pursuant to Local Rule 26.1(c), the court adopts and approves the agreements of the parties with respect to limitations on discovery (numbers of interrogatories, requests for admissions, and depositions).

Regarding the settlement meeting, the parties and their lead trial counsel, if any, shall meet and conduct negotiations looking toward the settlement of the action, and counsel and any unrepresented parties will be prepared at the pretrial conference to certify that they have done so. Counsel for the plaintiff shall take the initiative in scheduling the settlement meeting, and all other counsel and unrepresented parties shall cooperate to effect such negotiations. If the action is not settled during the settlement meeting or mediation session, and if there is no order or stipulation to the contrary, counsel and unrepresented parties

shall make all Rule 26(a)(3) disclosures at the conclusion of the meeting or session.

The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Rule of Civil Procedure 16.7(b).

At both the pretrial and final settlement conferences, lead trial counsel shall appear fully prepared to discuss all aspects of the case. Individuals with full authority to settle the case for each party shall be present in person or immediately available by telephone.

Regarding the proposed charge to the jury, counsel shall submit numbered instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form.

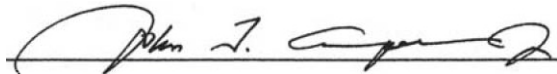
Should lead trial counsel fail to appear at any pre-trial conference or otherwise fail to meet and confer in good faith with opposing counsel as required herein, or should a party or his authorized representative fail to appear or be available at any conference or otherwise fail to meet and confer in good faith as required herein, appropriate sanctions may be imposed, including, but not limited to, sanctions by way of imposition of

attorney fees against the attorney and/or his client pursuant to Fed. R. Civ. P. 16(f).

All proceedings shall be held by the court at the Robert C. Byrd United States Courthouse, Charleston, West Virginia.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: April 6, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.  
United States District Judge